

**Permitting & Assistance Branch Staff Report**  
New Solid Waste Facilities Permit for the  
RSL Operating, Inc.  
SWIS No. 39-AA-0056  
April 19, 2016

**Background Information, Analysis, and Findings:**

This report was developed in response to the Operator's request for the Department of Resources Recycling and Recovery (Department) to issue a new Solid Waste Facilities Permit (SWFP) for RSL Operating, Inc., Solid Waste Information System (SWIS) No. 39-AA-0056, located in the City of Stockton, County of San Joaquin. The proposed facility is owned by the Port of Stockton and will be operated by RSL Operating, Inc. A copy of the proposed permit is attached. This report contains Permitting & Assistance Branch staff's analysis, findings, and recommendations.

The application for a new SWFP was received on February 25, 2016. Department staff accepted the application as complete and correct on March 15, 2016. Action must be taken on this permit no later than July 13, 2016. If no action is taken by July 13, 2016, the Department will be deemed to have issued the proposed new SWFP.

**Proposed Project**

The following are the key design parameters of the proposed project:

	Proposed Permit
<b>Operator</b>	RSL Operating, Inc.
<b>Owner</b>	Port of Stockton
<b>Facility Type</b>	Transfer/Processing
<b>Proposed Hours/Days of Operation</b>	Receipt and Processing/Grinding Materials: Monday through Friday from 6:00 AM to 4:00 PM; Ancillary Hours: Monday through Sunday from 6:00 AM to 4:00 PM
<b>Proposed Maximum Tonnage</b>	1,190 tons per day
<b>Proposed Traffic Volume</b>	32 trucks per day; 13 rail cars per day
<b>Proposed Area</b>	7 acres
<b>Design Capacity</b>	1,190 tons per day
<b>Waste Types</b>	<ul style="list-style-type: none"><li>• Non-hazardous creosote treated railroad ties,</li><li>• Urban "green" wood waste and other non-construction wood debris (almond shells and/or tree bark), and</li><li>• Pre-ground wood material (tree trimmings, almond shells, and tree bark).</li></ul>

**Background:**

The new facility will be located at the Port of Stockton adjacent to industrial and commercial properties. Material will be delivered by trucks (railroad ties and urban wood/green infeed material) and railcars (railroad ties only). The site will accept pre-ground material in addition to railroad ties and urban wood/green infeed material, and will ship the processed material to an offsite facility to be used as biomass fuel.

**Findings:**

Staff recommends issuance of the proposed new SWFP. All of the required submittals and findings required by Title 27 of the California Code of Regulations (27 CCR), Section 21685, have been provided and made. Staff has determined that the California Environmental Quality Act (CEQA) requirements have been met to support concurrence. The findings that are required to be made by the Department when reaching a determination are summarized in the following table. The documents on which staff's findings are based have been provided to the Branch Chief with this Staff Report and are permanently maintained by the Waste Permitting, Compliance, and Mitigation Division.

27 CCR Sections	Findings	
21685(b)(1) EA Certified Complete and Correct Report of Facility Information	The Department is the EA for this facility. Permitting and Assistance Branch (PAB) staff accepted the application package as complete and correct on February 25, 2016.	<input checked="" type="checkbox"/> Acceptable <input type="checkbox"/> Unacceptable
21685(b)(2) EA Five Year Permit Review	The proposed SWFP is for a new facility and a Permit Review Report is not required.	<input checked="" type="checkbox"/> Acceptable <input type="checkbox"/> Unacceptable
21685(b)(3) Solid Waste Facility Permit	PAB staff prepared a proposed Solid Waste Facilities Permit on April 11, 2016.	<input checked="" type="checkbox"/> Acceptable <input type="checkbox"/> Unacceptable
21685 (b)(4)(A) Consistency with Public Resources Code 50001	Waste Evaluation & Enforcement Branch (WEEB) staff in the Jurisdiction Compliance Unit found the facility is identified in the Nondisposal Facility Element, as described in their memorandum dated April 15, 2016.	<input checked="" type="checkbox"/> Acceptable <input type="checkbox"/> Unacceptable
21685(b)(8) Operations Consistent with State Minimum Standards	Permitting and Assistance Branch staff has determined that the design and operation as described in the submitted Transfer/Processing Report (TPR) will allow the proposed facility to comply with State Minimum Standards.	<input checked="" type="checkbox"/> Acceptable <input type="checkbox"/> Unacceptable
21685(b)(9) EA CEQA Finding	The proposed permit is consistent with and supported by the existing CEQA documentation. See the Environmental Analysis below for details.	<input checked="" type="checkbox"/> Acceptable <input type="checkbox"/> Unacceptable

27 CCR Sections	Findings	
21650(g)(5) Public Notice and/or Meeting, Comments	A Public Informational Meeting was held by Department staff on March 29, 2016. No members of the public were in attendance. No written or oral comments were received by Department staff. See Public Comments section below for details.	<input checked="" type="checkbox"/> Acceptable <input type="checkbox"/> Unacceptable
CEQA Determination to Support Responsible Agency's Findings	The Department is a responsible agency under CEQA with respect to this project. Permitting and Assistance Branch staff has determined that the CEQA record can be used to support the Branch Chief's action on the proposed new SWFP.	<input checked="" type="checkbox"/> Acceptable <input type="checkbox"/> Unacceptable

### **Compliance History:**

Permitting & Assistance Branch staff have determined that the design and operations as described in the submitted Transfer/Processing Report will allow the proposed facility to comply with State Minimum Standards.

### **Environmental Analysis:**

Under CEQA, the Department must consider, and avoid or substantially lessen where possible, any potentially significant environmental impacts of the proposed SWFP before the Department issues the SWFP. In this case, the Department is a Responsible Agency under CEQA and must utilize the environmental document prepared by the Port of Stockton, acting as Lead Agency, absent changes in the project or the circumstances under which it will be carried out that justify the preparation of additional environmental documents and absent significant new information about the project, its impacts and the mitigation measures imposed on it.

A Mitigated Negative Declaration (MND), State Clearinghouse No. 2015122011, was circulated for a 30-day comment period from December 4, 2015 to January 4, 2016. The project analysis concluded that any physical environmental impacts caused by the project could be mitigated to less than significant levels with the implementation of the mitigation measures included in the Mitigation Monitoring and Reporting Program. The MND, together with the Mitigation Monitoring and Reporting Program, was approved by the Lead Agency on January 26, 2016. A Notice of Determination was filed with the State Clearinghouse on February 2, 2016.

Department staff finds that the proposed new SWFP is consistent with and supported by the cited environmental document. Staff recommends that the Department, acting as a Responsible Agency under CEQA, utilize the MND as prepared by the Lead Agency in that there are no grounds under CEQA for the Department to prepare a subsequent or supplemental environmental document or assume the role of Lead Agency for its consideration of the proposed new SWFP. Department staff has reviewed and considered the CEQA record and recommends the MND is adequate for the Branch Chief's approval of the proposed project for those project activities which are within the Department's expertise and/or powers, or which are required to be carried out or approved by the Department.

The administrative record for the decision to be made by the Department includes the administrative record before the LEA, the proposed new SWFP and all of its components and supporting documentation, this staff report, the MND adopted by the Lead Agency, and other documents and materials utilized by the Department in reaching its decision on issuance, or denial, of the proposed new SWFP. The custodian of the Department's administrative record is Ryan Egli, Legal Office, Department of Resources Recycling and Recovery, P.O. Box 4025, Sacramento, CA 95812-4025.

**Public Comments:**

The project document availability, hearings, and associated meetings were noticed consistent with the SWFP requirements. Department staff held a public informational meeting on March 29, 2016, at the Port of Stockton office in the City of Stockton. No members of the public were in attendance. No written comments were received by Department staff.

Department staff provided an opportunity for public comment during the CalRecycle Monthly Public Meeting on April 19, 2016. No comments have been received by Department staff.